REMARKS

Applicant respectfully requests reconsideration of the present application based on the foregoing amendments and the following remarks. Applicant herein amends claims 34 and 43, and cancels claims 46-47. These amendments reduce issues for Appeal, and so should be entered under Rule 116. Upon entry of this amendment, claims 34-45 will be pending in the application.

Prosecution History

Applicant acknowledges the Examiner's summary of the unusually protracted prosecution history, which highlights the Applicant's diligent and earnest efforts to address the Examiner's various and evolving positions, despite the fact that no single prior art reference has **ever** been cited as directly anticipating the claims. This prolonged prosecution has imposed considerable financial and temporal burdens on the Applicant.

This prolonged prosecution also includes a repeated and continued failure by the Patent Office to identify any reference that, alone or in combination with other references, allows **emergency contact information** for a customer to be retrieved by a telematics device in a vehicle during an emergency and transmitted to a Public Safety Answering Point.[1] This 5-year failure demonstrates to Applicant that the claimed inventions should be allowed. Accordingly, because no cited prior art teaches or suggests the claimed inventions, Applicant has acted appropriately and in good faith to secure allowance thereof.

Also included in this protracted history is one Appeal, the merits of which caused the Examiner at one point to re-open prosecution. At that time, Applicant had the opportunity to overrule the Examiner's re-opening of prosecution and force continuation of the Appeal process. However, Applicant in good faith elected to try to work with the Examiner to negotiate further claim amendments, even though none were believed necessary. Not included in the Examiner's prosecution history summary are telephonic Interviews conducted on July 21 and 28, 2005 after the re-opening. During these Interviews, the Examiner suggested making amendments to further

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[1] The latest cited prior art also does not explicitly disclose using emergency contact information as claimed, as will be addressed in more detail below.

define **how** the emergency contact information was being used. Unfortunately, the Examiner refused Applicant's offer to provide draft claim amendments for the Examiner to review, and instead forced the Applicant to submit formal amendments. Applicant regrets that the amendments Applicant submitted in good faith after an apparently persuasive Appeal and according to the Examiner's apparent suggestions have been met with yet another Final Office Action, causing prosecution to be needlessly prolonged even further, and adding to the Applicant's already significant expense and delay.

Emergency Contact Information

The latest Office Action at page 8 states "the Examiner acknowledges that applicant restricts his invention to retrieving and transmitting a specific type of data, as above." Thus it is believed that the Examiner finally acknowledges Applicant's many arguments that the claims are specifically directed to retrieving and transmitting **emergency contact information**, which are the actual words Applicant has used in the claims since September 2004.[2]

The Examiner's acknowledgment further appears to mean that he has withdrawn his previous interpretation that emergency contact information includes "any and all information that may be transmitted under an emergency." (See Office Action mailed Nov. 30, 2004). It is further believed that emergency contact information is notoriously well known, even to lay persons, and so explicit descriptions and definitions need not be supplied in the specification. *See Atmel Corp. v. Information Storage Devices, Inc.*, 198 F. 3d 1374, 1382, 53 USPQ2d 1225, 1230 (Fed. Cir. 1999) ("The specification would be of enormous and unnecessary length if one had to literally reinvent and describe the wheel.")

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2 The Examiner's remarks concerning the Applicant's previous choice of claim language and restrictions are irrelevant and appear to be intended to embarrass or harass the Applicant. (See, e.g. the Action at page 6, "the content of this data has proved to be illusive.") Applicant has diligently and consistently acted in good faith, expending considerable time and effort, to address the asserted teachings of the prior art and to focus the claims on patentable subject matter.

Objections to the Claims

Claims 46 and 47 have been canceled, rendering the objections to these claims moot.

Claim Rejections Under 35 U.S.C. 112 (First Paragraph)

Claim 34 "and claims dependent thereupon" stand rejected under 35 U.S.C. 112 as allegedly failing to comply with the written description requirement. For reasons set forth more fully below, this rejection is respectfully traversed.

Claim 34

The language of claim 34 that was noted in the Office Action has been deleted, thus rendering the rejection of claims 34 "and claims dependent thereupon" for this reason moot. That language was added in response to the Examiner's remarks during the Interviews of July 21 and 28, 2005. However, as mentioned in that Interview, Applicant did not believe amendments were necessary but was attempting to negotiate acceptable claim language. Since the Examiner now apparently disapproves of the amendments that were discussed, they have been withdrawn, even though Applicant disagrees with the basis for the rejection.

Claims 41, 42 and 43

The Office Action also refers to language in claims 41, 42 and 43 and asserts that there is "no description [in the specification] of who can update emergency contact information." Applicant respectfully disagrees.

Contrary to the Office Action, the present specification is replete with descriptions of a system that allows a customer to update and maintain various types of personal information such as emergency contact information.

For example, at page 4, line 9 to page 5, line 9, the specification teaches (emphasis added):

> It is another object of the present invention to provide a business method for **providing life management and enhancement applications and services to customers via an electronic medium such as the Internet**.
>
> . . .
>
> It is still another object of the present invention to provide life

management and enhancement services to **telematics customers**.

It is another object of the present invention to provide a system and method for providing applications and services to support **emergency roadside assistance**.

These and other objects are achieved according to a first aspect of the present invention by **providing life management and enhancement applications and services to customers from a central online location**. The present invention integrates multiple online services relating to life management and enhancement into a central online location (i.e., web site or portal). **The central online location is used for archival, management, and enhancement of personal data, profiles, reminders, search engines, e-retailers, and the like**.

Further, at page 7, lines 13-20, the specification teaches (emphasis added):

The presently preferred embodiment of the invention is implemented through an electronic medium such as the Internet and relates to life management and enhancement services. However, the present invention is applicable in any category or industry, in which a comprehensive management and enhancement applications and services are needed, such as in business, government, sports, automotive, entertainment, health, recreation, family, home, travel, computer, food, pet, personal and the like. For example, **in the telematics services industry, a comprehensive roadside emergency service is provided to the customers, which is described in greater detail later herein**.

Further, at page 8, lines 4-18, the specification teaches (emphasis added):

In the preferred embodiment, a customer 2 and a business entity 4 access the Internet 6 using one or many commercially available browsers such as Netscape Navigator (believed to be a Registered Trademark of Netscape Corp.) and Microsoft Internet Explorer (believed to be a Registered Trademark of Microsoft Corp.). **Through the Internet 6, the customer 2 can visit the life management and enhancement service (LMES) web site 8**. As described above and in greater detail hereinafter, the LMES site 8 is a well-organized comprehensive site that enables the customer 2 to obtain life management and enhancement services in an efficient and effective manner. **The LMES site 8 preferably includes applications and services such as a personal data manager (PDM) 10A**, life style profile (LSP) 10B, personal information manager (PIM) 10C, personal reminder manager (PRM) 10D, personal e-commerce manager (PEM) 10E, personal research manager (PRM) 10F, and remote pilot manager (RPM) 10G, which applications and services are described in greater detail later herein. It is also important to note that other applications and services

than those described herein can be used in the present invention as will be apparent to those skilled in this art.

Further, at page 8, lines 19 to 22, the specification teaches (emphasis added):

When the customer 2 registers with and visits the LMES site 8, the customer 2 can use the various applications and services from this central location without having to visit other, unlinked web sites. The LMES site 8 can be used to store personal profiles for the customer 2. . . .

Further, at page 10, lines 4 to 8, the specification teaches (emphasis added):

The **LMES web site 8 is preferably associated with a server (web and/or email) 36**. As known, an email server is traditionally used to manage, send, and receive an email to/from the customer 2, while a web server is used to support and manage web sites. Further **connected to the server 36 is a data storage/database 38 to store and save customer specific data, profiles, events, and the like**, as described in more detail below.

Further, at page 10, lines 14 to 16, the specification teaches (emphasis added):

Once the customer 2 is linked (hardwire or wireless) to the LMES site 8, the customer 2 can obtain life management and enhancement applications and services such as an on-board database to support emergency roadside assistance.

Further, at page 12, lines 12 to 20, the specification teaches (emphasis added):

In the first aspect of the invention, the LMES site 8 is a comprehensive life management and enhancement Internet web site or portal that allows customers to manage and control daily life activities. Customers can then enjoy all aspects of their lives more fully using the various applications and services available on the LMES site 8. **First, a personal data manager (PDM) 10A on the LMES site 8 allows customers to record, retain, access, maintain, and analyze a wide variety of personal data relating to physical fitness, diet, health, family, friends, insurance policies, vehicle ownership, music, books, financial plans, etc., thereby creating an easily accessible and secure one-stop repository of personal data**.

Further, at page 18, line 21 to page 20 line 17, the specification teaches (emphasis added):

Fig. 6 illustrates an embodiment of the present invention for telematics services in accordance with the preferred embodiment of the present invention. **This embodiment can be used for emergency roadside data services and other on-board (automobile) services (e.g., grocery services) using telematics systems. In other words, the customer can access the telematics device 60 for on-board data applications for emergency roadside data services and other on-board (automobile) services (e.g., grocery services) using the LMES server 36**. The on-board data application can be implemented using a telematics device embedded in the vehicle 500 or other mobile telematics device such as a cellular phone 22, PDA 28, and the laptop computer 24.

In this particular embodiment, on board data application is provided to entities that provide telematics services to customers. Such entities include automobile companies such as GM or Ford or insurance companies such as AAA. **The LMES server 36 can be thought of as a virtual garage for centralizing data from the various telematics service providers 62a...62n.** The telematics service providers 62a...62n each includes a profile and preference setting software application for dynamically delivering updates and other data to the virtual garage 36. These updates are then transmitted via an FM subcarrier network to the telematics device 60. These updates can be transmitted as batch updates on an hourly, daily, weekly, or monthly basis.

Using the virtual garage 36, telematics service providers 62a...62n, or combinations thereof, the customer can retrieve various data using the telematics device 60. For example, the customer can have access to route log (road conditions, road closure, detours, weather forecasts, conditions and warnings), insurance log (on-board data for insurance emergency contact and history), automobile log (on-board data for vehicle emergency contact and history), traffic log (incident reports, congestion information, average travel time, speed data), travel log (point of interest updates, lowest gas prices, parking space availability), medical log (on-board data for medical emergency contact and history), grocery log (lowest grocery prices, discounts and specials), and the like. The virtual garage 36 and the telematics service providers 62a...62n communicate with each other via the communication channel such as the Internet 6 to exchange, retrieve, and/or transmit information.

During an emergency roadside situation associated with the customer's vehicle 500, the customer can access the on-board database through the virtual garage 36 as discussed above. In all likelihood, the customer will use an on-board (vehicle) embedded device or other portable mobile device (e.g., PDA, cellular telephone, laptop computer) to obtain the pertinent information and/or to access the virtual garage 36. The customer can then quickly and efficiently retrieve automobile, insurance, medical, weather, traffic, emergency contact, etc. information. Grocery information

such as locations of lowest prices for particular items, discounts, and the like can be retrieved from the grocery log using the telematics device 60.

In addition, **when the customer requests an emergency 911 service using the telematics device 60, the customer can transmit the on-board data to a Public Service Answering Point**. In this manner, the Public Service Answering Point will have the on-board data for the customer in order to provide the most optimal service.

Accordingly, it should be clear that the specification is replete with example descriptions of how a customer can specify and update various types of personal profile information that is maintained in a virtual garage (e.g. server 36) and can be accessed via the Internet. The specification also makes clear that emergency contact information can be provided from the virtual garage (e.g. server 36) during an emergency. This is clearly one type of personal information described in the specification that enables emergency roadside services in accordance with certain objects of the invention. Therefore, it is clear that Applicant had possession of a system that allowed a customer to update and maintain various types of personal information in a virtual garage, including emergency contact information, via the Internet, as set forth in claims 41 and 42.

Moreover, regarding amended claim 43, the specification further describes how the virtual garage (e.g. server 36) can centralize data (e.g. various logs which can contain emergency contact information) from one or more telematics service providers 62a .. 62n. Remaining language from claim 43 has been canceled.

For at least these reasons, the 112 rejections of claims 41, 42 and 43 should be withdrawn.

Claim 47

The language of claim 47 that was noted in the Office Action has been deleted, thus rendering the rejection of claim 47 based on this reason moot. This new language was added in response to the Examiner's remarks during the Interviews of July 21 and 28, 2005. However, as mentioned in that Interview, Applicant did not believe amendments were necessary but was attempting to negotiate acceptable claim language. Since the Examiner now apparently disapproves of the amendments that were discussed, they have been withdrawn.

Claim Rejections Under 35 U.S.C. 112 (Second Paragraph)

Claims 41 and 42 stand rejected under 35 U.S.C. 112 as being indefinite. Contrary to the Office Action, these claims are believed to be clear in view of the specification, including the passages noted above.

Claim 41 recites "enabling the customer to update the emergency contact information stored by the virtual garage. . . ." As shown above, the specification is replete with example descriptions of how the invention allows (i.e. enables) various types of personal information to be accessed and updated by a customer via the Internet. Accordingly, claim 41 is clear in view of the specification and the rejection thereof should be withdrawn.

Claim 42 recites that customer is provided access to the virtual garage "such that human intervention by someone other than the customer is not needed to update the emergency contact information." Contrary to the Office Action, it is hard to understand how much more definite this claim can be made. As is clear from one example of the specification, the invention allows a user to access and update personal profile information via the Internet. One obvious implication of these descriptions is that no person other than the customer is required to update this information. Rather than reducing clarity, this claim language only increases it, and so the rejection should be withdrawn.

Claim Rejections Under 35 U.S.C. 103 in view of Kennedy and Clifford

Claims 34-36, 38-39, 43 and 45-47 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,535,743 to Kennedy III et al. ("Kennedy") in view of "Clifford enters telematics with net-based car PC," TWICE Vol. 15, Iss. 3, p. 40 (Jan. 24, 2000) ("Clifford"). Claims 46 and 47 have been canceled, rendering the rejections thereof moot. For reasons set forth more fully below, this rejection is respectfully traversed as to the remaining claims.

Independent claim 34 requires, *inter alia*:

> accessing the telematics device embedded in the customer vehicle during the emergency associated with the customer vehicle;
>
> establishing a communication link between the telematics device and a virtual garage, wherein the virtual garage comprises at least one server on the

Internet and **wherein the virtual garage stores the emergency contact information of the customer;**

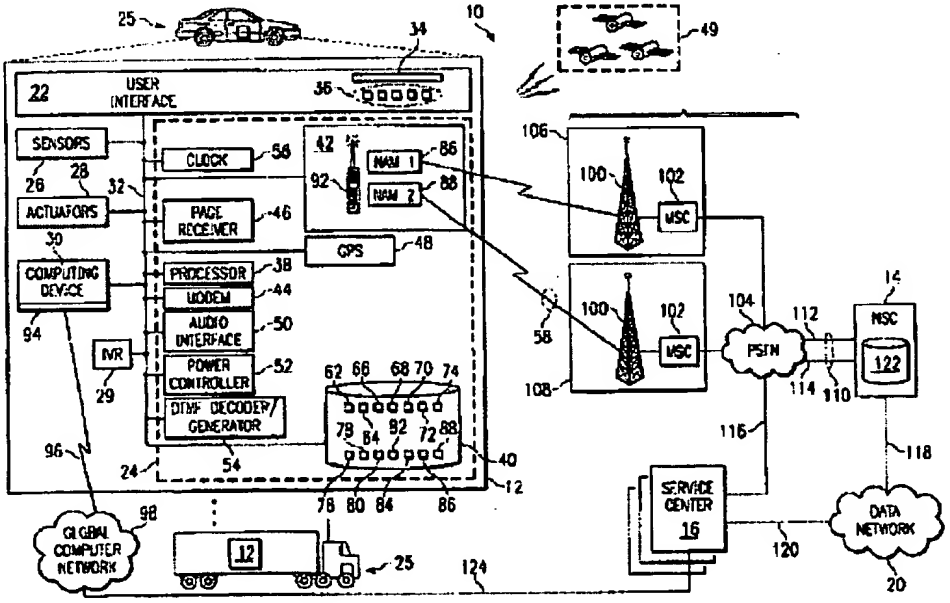
retrieving the emergency contact information of the customer from the virtual garage using the telematics device; and

transmitting the emergency contact information of the customer to a Public Safety Answering Point, **wherein the emergency contact information is transmitted from the telematics device embedded in the customer vehicle to the Public Safety Answering point**

As will be explained in more detail below, Kennedy does not meet at least the above underlined explicit claim limitations.

Review of Kennedy's Teachings

The Office Action complains that explicit references to Kennedy's teachings were not set forth in Applicant's last response. Accordingly, for convenience, FIG. 1 of Kennedy is reproduced below, and relevant passages are reproduced herein in their entirety.



Moreover, Kennedy explicitly teaches:

Col. 11, lines 22-59: **NSC 14 receives service message 58 and accesses information maintained in database 122 to determine the appropriate service center 16 to satisfy the request.** In particular, NSC 14 parses service message 58 to identify and locate mobile unit 12, to determine the class of services requested by mobile unit 12, to determine the priority level of service message 58, and to identify any other pertinent data. Together with information retrieved from database 122, such as profile information regarding mobile unit 12 and its operator, and information retrieved from service message 58, **NSC 14 determines the appropriate service center 16 with which to establish a communication session. For example, if service message 58 indicates a request for roadside assistance, then based on information specific to mobile unit 12, such as the position and vehicle type of mobile unit 12, NSC 14 accesses database 122 to determine the appropriate service center 16 to satisfy the request.**
Alternatively, an interactive voice response unit at NSC 14 may conduct a communication session with the operator of mobile unit 12 to request and receive a selection of one or more particular service centers 16.
NSC 14 then establishes a voice path (e.g. by initiating a voice call) with the selected service center 16 using PSTN 104 and voice paths 114 and 116 or, optionally, using a dedicated voice path separate from PSTN 104. In one embodiment, NSC 14 also communicates a data message to service center 16 using data network 20 and data paths 118 and 120. In another embodiment, NSC 14 communicates a data message to service center 16 using PSTN 104, and voice paths 114 and 116 using modems, DTMF techniques, and/or out-of-band signaling. For example, NSC 14 may forward to service center 16 a data message containing the history and specifications of mobile unit 12, the medical history of the occupants of mobile unit 12, the information provided by service message 58, and any other suitable information. Both the voice call and the data message from NSC 14 to service center 16 may include an identifier of mobile unit 12.

Col. 11, line 60 – Col. 12, line 26: Service center 16 receives the voice call and the data message communicated by NSC 14. **Upon establishing voice communication with service center 16, NSC 14 bridges or connects the original inbound call from mobile unit 12 with the outbound call to service center 16 to establish a voice path between mobile unit 12 and service center 16. Service center 16 may now conduct a communication session with mobile unit 12 to provide enhanced services using voice network 18.** The communication session may include bidirectional voice and/or data communication between mobile unit 12, NSC 14, and service center 16.
In one embodiment, service center 16 toggles between conducting a voice session with mobile unit 12 on network 18 and conducting a data session with mobile unit 12 on network 18 to satisfy the request issued in service message 58. For example, a customer representative, an interactive voice response unit, or a combination of both, may conduct an interactive voice session with the operator of mobile unit 12 using voice network 18 to solicit selections of particular enhanced services

offered by service center 16 and/or to provide the requested services to mobile unit 12. Before or after the voice session, service center 16 may conduct a data session with mobile unit 12 using DTMF techniques, in-band signaling, and/or out-of-band signaling with voice network 18 to download or upload data to satisfy the request for enhanced services. **For example, in response to service message 58, service center 16 may download to mobile unit 12 directions, configuration data 80, menu data specifying menu structures 84 and/or menu options, e-mail or voicemail messages, or any other suitable data to satisfy the request. In another example, NSC 14 and/or service center 16 may use network 18 to upload data generated by platform 24, such as configuration data 80, data logs 82, and menu structures 84.**

Col. 15, lines 7-29 (examiner only refers up to line 11): In another example, **activating emergency assistance button 214 summons medical personnel in the event of a medical emergency**, and provides to the appropriate service center 16 relevant medical information about the operator of mobile unit 12. In this regard, mobile unit 12 generates and issues a service message 58 to NSC 14. **NSC 14 uses service message 58 to access database 122 and to select an appropriate service center 16 based upon, in one embodiment, the location of mobile unit 12. NSC 14 then provides to the selected service center 16 information such as location, engine data, personal medical data, or any other suitable information on the status or condition of mobile unit 12, or its operator. Service center 16 then establishes a communication session with mobile unit 12 so that it may deliver audible messages or perform other voice communications using voice network 18, to provide emergency and security services to persons or vehicles associated with mobile unit 12. Service center 16 may also provide data services such as remote security services using actuators 28 coupled to mobile unit 12. For example, service center 16 may issue commands to immobilize a vehicle, sound an alarm, lock/unlock doors, or perform any function remotely using an appropriate actuator 28 coupled to mobile unit 12.**

Col. 15, lines 30-52: Roadside assistance button 216 facilitates requesting enhanced services from service centers 16, such as towing companies, taxi/shuttle services, car dealerships, gas stations, or any other organization or personnel that provides roadside assistance to persons or vehicles associated with mobile unit 12. **For example, NSC 14 may select an appropriate service center 16 based upon, in one embodiment, the location of mobile unit 12, in response to the activation of roadside assistance button 216, NSC 14 then provides to the appropriate service center 16 a precise vehicle location and previous travel direction of mobile unit 12, as well as the color, make, model, and license number of the vehicle associated with mobile unit 12. Service center 16 may then effectively dispatch personnel to assist the operator of mobile unit 12.** In dispatching a variety of services, service center 16 may send a confirmation to

mobile unit 12 and a time of arrival estimate. Furthermore, multiple service centers 16 may coordinate efforts to provide enhanced services to the operator of mobile unit 12. For example, a towing company may dispatch a tow truck to the site of an accident while a taxi/shuttle service may simultaneously dispatch a vehicle to transport the operator of mobile unit 12 to a desired destination.

As is clear from the above, and as conceded by the Examiner, Kennedy does not disclose the explicit limitations in claim 34 of :

(a) wherein the virtual garage **stores the emergency contact information of the customer**; and

(b) **retrieving the emergency contact information of the customer from the virtual garage using the telematics device**; and

The Office Action therefore relies on Clifford for this missing subject matter, and this will be addressed below.

Kennedy Does Not Teach Transmitting **Any** Information From A Telematics Device To A PSAP

In addition to not meeting the emergency contact information requirements of claim 34, Kennedy also does not meet the explicitly defined step of:

transmitting the emergency contact information of the customer to a Public Safety Answering Point, **wherein the emergency contact information is transmitted from the telematics device embedded in the customer vehicle to the Public Safety Answering point**

In fact, Kennedy does not disclose that mobile unit 12 (the alleged telematics device) can transmit **anything at all** to a PSAP, much less the emergency contact information that is also **not disclosed** by Kennedy.

Instead, Kennedy merely discloses that in certain "operations," the mobile unit 12 can exchange data **with a service center 16**. (note that even at col. 13, lines 1-20, Kennedy does not explicitly mention that unit 12 can send any data **to** service center 16, except perhaps menu selections on a user interface 24)

However, **during an emergency**, Kennedy explicitly requires the **service center 16** (i.e. not the mobile unit 12), to contact emergency personnel and to provide information about the vehicle to them. As set forth in column 15, lines 35-44, Kennedy teaches that, in response to an

"emergency assistance button" being pressed: "NSC 14 then provides to the appropriate service center 16 a precise vehicle location and previous travel direction of mobile unit 12, as well as the color, make, model, and license number of the vehicle associated with mobile unit 12. **Service center 16 may then effectively dispatch personnel** to assist the operator of mobile unit 12."

Moreover, Kennedy teaches that service center 16 is comprised of servers, "**personnel**, businesses, or any other suitable provider of enhanced services." (col. 9, lines 15-16). Kennedy does not explicitly mention that **personnel** in service center 16 must call 911 or other services (i.e. use manual steps and intervention) to render emergency assistance, but that is the most likely scenario, and in any event, Kennedy does not explicitly disclose any other scenarios.[3]

Because Kennedy's system **does not meet the explicit limitations** of claim 34, it cannot provide the advantages **enabled by the explicit claim limitations**. As the Applicant has tirelessly mentioned many times previously, the **explicit claim limitations** allow up-to-date emergency contact information to be quickly provided to a Public Safety Answering Point. Accordingly, the **explicit claim limitations that are missing from Kennedy** provide an advantage over Kennedy that is neither trivial nor obvious (i.e. "the language of the claims patentably distinguishes them from the references," as per the Office Action at page 5.)

For at least these reasons, Kennedy does not meet the "transmitting step" limitations of claim 34, and claim 34 patentably defines over Kennedy.

Clifford Does Not Teach Transmitting **Any** Information From A Telematics Device To A PSAP

The Office Action does not even allege that Clifford discloses transmitting **anything** from a telematics device to a PSAP. Accordingly, the alleged combination of Kennedy with

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[3] The Office Action complains about "unsupported arguments concerning Kennedy." However, it is the Office Action's rejections that are unsupported. Applicant is attempting to show how Kennedy contradicts the Office Action's position that mobile unit 12 transmits information to a PSAP during an emergency. Clearly, service center 16 and its personnel perform this task, and Applicant is merely providing the most likely interpretation of Kennedy's teachings about how service center 16 does this, even though Kennedy does not explicitly explain certain things. Applicant respectfully urges the Examiner to concentrate on how Kennedy actually operates, and how this actual operation **does not meet the explicit limitations of the claims**. Kennedy's lack of clear teachings of certain aspects is not Applicant's fault.

Clifford does not meet the **explicit limitations** of claim 34, and so the rejection of claims 34-36, 38-39, 43 and 45 based on Kennedy and Clifford should be withdrawn for at least this reason.

Neither Kennedy Nor Clifford Teaches Retrieving Emergency Contact Information Using A Telematics Device

Claim 34 explicitly requires, *inter alia*:

(a) wherein the virtual garage **stores the emergency contact information of the customer**; and

(b) **retrieving the emergency contact information of the customer from the virtual garage using the telematics device**

The Office Action admits that Kennedy does not disclose this subject matter and relies on Clifford instead.

Clifford merely teaches a "telematics product called the MobileTrace 1" that is essentially a black box with built-in GPS and modem. The MobileTrace 1 has a "panic button." When pressed, the box contacts a live call center and provides the vehicle location. In addition, **the call center** has a user profile of the driver, and the **call center** can notify police, a hospital and a doctor.

Clifford merely discloses that the personal profile information includes a person's heart condition. It does not explicitly disclose storing **emergency contact information**. However, since the one sentence in Clifford including "your hospital and doctor" is ambiguous, Applicant will not address this lack of teaching for the sake of argument.

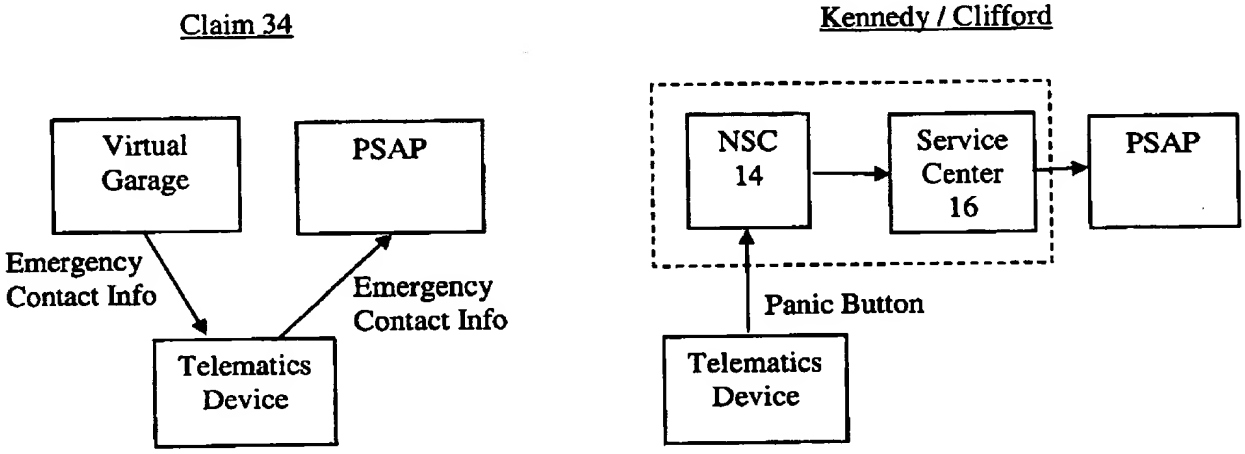
In any event, nowhere does Clifford teach the explicit step of **retrieving the emergency contact information of the customer from the virtual garage using the telematics device**. Rather, Clifford clearly requires the call center to provide information to emergency services, and so it is completely unnecessary for the black box to retrieve this information. Similarly, Kennedy requires a service center 16 to provide information to emergency services. Accordingly, the alleged combination of Kennedy and Clifford requires supplying information from a call center or service center to emergency services, and so the alleged combination **teaches away** from **retrieving emergency contact information using a telematics device** because it would be completely unnecessary.

Simply put, why would one skilled in the art be motivated to change Kennedy and Clifford to allow a telematics device to obtain information that is allegedly already known by a call/service center and that they use to contact emergency services? And why would one skilled in the art modify Clifford to send contact information to a PSAP instead of using this information directly (i.e. to allegedly notify a doctor or hospital)? Only hindsight reconstruction of Applicant's invention would motivate one to make such changes.

For at least these additional reasons, claim 34 patentably defines over Kennedy and Clifford, and the 103 rejections of all claims based on Kennedy and Clifford should be withdrawn.

Clear Differences Between Claimed Invention And Prior Art

To further highlight and clarify the above differences between the **requirements of claim 34** and the cited prior art, consider the following diagram:



In summary, the claims **require** emergency contact information to be retrieved by the telematics device and transmitted from the telematics device to a PSAP **during an emergency**. Kennedy and Clifford fail to meet these explicit limitations. Instead, Kennedy requires a NSC 14 to transmit information to an "appropriate" service center 16, and the service center 16 then transmits information to a PSAP. Although Clifford only mentions a single "call center," this center must relay information to a PSAP.

Retrieving Emergency Contact Information, and Transmitting This To A PSAP Using A Telematics Device Is A Non-Obvious Change Of Kennedy And Clifford

The Office Action states that it would have been obvious to combine Kennedy and Clifford. However, as shown above, even if combined, the alleged combination would still fail to contain all the claim limitations, including:

> retrieving the emergency contact information of the customer from the virtual garage using the telematics device; and
>
> transmitting the emergency contact information of the customer to a Public Safety Answering Point, wherein the emergency contact information is transmitted from the telematics device embedded in the customer vehicle to the Public Safety Answering point.

Because Kennedy and Clifford do not meet all the claim limitations, the Examiner has not established a *prima facie* case of obviousness. MPEP 2143.03.

Importantly, further modifications would be required to the alleged combination of Kennedy and Clifford to allow a telematics device to retrieve emergency contact information and transmit this to a PSAP. Apparently, the Examiner takes the position that this further modification would be obvious because "a customer may wish to have his doctor be alerted that an emergency has taken place that may require the doctor's service."

Although Applicant is not required to address this motivation because of the lack of a *prima facie* case of obviousness, Applicant respectfully disagrees for the following reasons.

First, Clifford already discloses a system that allegedly allows a "doctor to be alerted that an emergency has taken place." Accordingly, the Examiner's alleged motivation to change Clifford is contradicted by Clifford itself, which renders it **unnecessary** for a telematics device to retrieve and transmit contact information (i.e. the call center already has this information and allegedly uses it to notify a doctor).

Moreover, further contrary to the Office Action, it is not obvious to supply contact information **from a telematics device to a PSAP**, as is further explicitly required by the claims and not taught or suggested by either Kennedy or Clifford. As repeatedly demonstrated by the Examiner's cited prior art, all previous systems rely on a call center to call and provide information to a PSAP. Accordingly, the prior art is filled with multiple teachings **away** from the requirements of the claims.

For at least these additional reasons, claim 34 patentably defines over the prior art and the rejections of claims 34-36, 38-39, 43 and 45 should be withdrawn.

Claim Rejections Under 35 U.S.C. 103 in view of Kennedy and InfoGation

Claim 37 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy in view of "InfoGation Corp. Introduces Productivity, Navigation, Safety and Communication Software Applications for Next-Generation Smart Car Systems," PR Newswire, Jan. 8, 1998 ("InfoGation"). For reasons set forth more fully below, this rejection is respectfully traversed.

As set forth above, in addition to admittedly not meeting the emergency contact information requirements of claim 34, Kennedy also does not meet the explicitly defined step of:

> transmitting the emergency contact information of the customer to a Public Safety Answering Point, **wherein the emergency contact information is transmitted from the telematics device embedded in the customer vehicle to the Public Safety Answering point**

InfoGation does not meet any of these explicit limitations of claim 34 either, as the Office Action correctly fails to allege. Since claim 37 depends from claim 34, claim 37 is patentable over Kennedy and InfoGation for at least the reasons claim 34 is patentable as set forth above.

Claim Rejections Under 35 U.S.C. 103 in view of Kennedy and Suman

Claim 40 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy in view of U.S. Patent No. 6,028,537 to Suman et al. ("Suman"). For reasons set forth more fully below, this rejection is respectfully traversed.

As set forth above, in addition to admittedly not meeting the emergency contact information requirements of claim 34, Kennedy also does not meet the explicitly defined step of:

> transmitting the emergency contact information of the customer to a Public Safety Answering Point, **wherein the emergency contact information is transmitted from the telematics device embedded in the customer vehicle to the Public Safety Answering point**

Suman does not meet any of these explicit limitations of claim 34 either, as the Office Action correctly fails to allege.[4] Since claim 40 depends from claim 34, claim 40 is patentable over Kennedy and Suman for at least the reasons claim 34 is patentable as set forth above.

Claim Rejections Under 35 U.S.C. 103 in view of Kennedy and Ford

Claims 41-42 and 44 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy in view of "Ford to Bring Internet to Millions of Vehicles," PR Newswire, Jan. 9, 2000 ("Ford"). For reasons set forth more fully below, this rejection is respectfully traversed.

As set forth above, in addition to admittedly not meeting the emergency contact information requirements of claim 34, Kennedy also does not meet the explicitly defined step of:

> transmitting the emergency contact information of the customer to a Public Safety Answering Point, **wherein the emergency contact information is transmitted from the telematics device embedded in the customer vehicle to the Public Safety Answering point**

Ford does not meet any of these explicit limitations of claim 34 either, as the Office Action correctly fails to allege. Since claims 41-42 and 44 depend from claim 34, claims 41-42 and 44 are patentable over Kennedy and Ford for at least the reasons claim 34 is patentable as set forth above.

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[4] It is further noted that Suman's on-board information is transmitted to a service center, and the service center handles contacting emergency personnel.

Conclusion

All objections and rejections having been addressed, and in view of the foregoing, the claims are believed to be in form for allowance, and such action is hereby solicited. If any issues remain which the Examiner feels may be resolved through a telephone interview, he is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,
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